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Ursula von der Leyen, president of the European Commission, speaks at the lectern in the European Parliament building on October 18, 2023, as the Parliament debates the war in Israel and the preparation for the EU summit at the end of October. (Philipp von Ditfurth / picture alliance via Getty Images)

Europe's Blind Eye to Israel's War Crimes Shows the "Rules-Based Order" Is a Cruel Farce

BY

JOUKE HUIJZER

Faced with Israel's collective punishment of Gaza, European leaders have offered unqualified support. Their disinterest in defending international law shows there's no such thing as "a rules-based order" — just imperial powers, and their chosen allies.

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On October 2012, the Norwegian Nobel Committee announced that the Nobel Peace Prize would be awarded to the European Union since it had "for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe." A decade later, a new war on the continent divided Europe — and Russia had just begun bombing civilian targets.

Responding to this next wave of Russian aggression against Ukrainian citizens in October 2022, European Commission president Ursula von der Leyen stated firmly: "Russia's attacks on civilian infrastructure, especially electricity, are war crimes. Cutting off men, women, children of water, electricity and heating, with winter coming — these are acts of pure terror. And we have to call it as such."

On October 7 — a year since the attack on civil targets in Ukraine — another military conflict erupted when Hamas violently broke out of Gaza and killed or took hostage over a thousand Israeli civilians. In response to Hamas's attacks, Israel's energy minister declared that Gaza, "No electrical switch will be turned on, no water hydrant will be opened and no fuel truck will enter" until the "abductees" would be released. His government acted accordingly. This "complete siege" of Gaza is pure "collective punishment" — something that the United Nations considers a war crime.

Friends of Israel

This time, Von der Leyen saw no need to condemn the cutting off of "men, women, children of water, electricity and heating." Instead, she went on a trip to meet the Israeli president in person and stated: "We are friends of Israel. When friends are under attack, we stand by them. Israel has the right and duty to respond to Hamas' act of war. We call for the immediate release of all hostages taken by Hamas."

Many pundits and politicians, especially on the political left, commented that Von der Leyen was wrong not to call for any restraint, effectively giving Israel *carte blanche* to do whatever it wanted. DiEM25, an organization founded by former Greek finance minister Yanis Varoufakis, posted: "She's unelected. She had no mandate from the EU's states to go to Israel. She never once called for restraint or respect for international law." Varoufakis himself refused "to condemn Hamas or the Israeli settlers" but insisted that "we, Europeans & Americans, are the culprits for the atrocities in Israel-Palestine."

But around the West, Von der Leyen and Biden were far from alone in their positions. In the immediate aftermath of Hamas's attacks, while Israel was already bombing Gaza, some of the most experienced liberal European government leaders, from French president Emanuel Macron to Dutch premier Mark Rutte, condemned Hamas's violence and declared that Israel had every right to defend itself, while remaining silent about Palestinian casualties resulting from the bombings on Gaza. It was an approach that was not very different from the statements issued by far-right governments of Poland, Hungary, and Italy. Nor from the joint statement issued by the leaders of France, Germany, and Italy, together with the UK and the United States, emphasising that: "we will remain united and coordinated, together as allies, and as common friends of Israel, to ensure Israel is able to defend itself."

Thoughtful Responses

Remarkably, the responses of other governments seemed much more considerate. Saudi Arabia, known for its human rights violations and currently leading a military coalition in the deadly war ravaging Yemen, responded by recalling its repeated warnings about the dangers "of the situation as a result of the continuation of the occupation, the deprivation of the Palestinian people of their legitimate rights, and the repetition of systematic provocations against its sanctities." China, which we've learned is committing crimes against humanity with the Uyghur and Tibetan population, stated that "Israel's actions have gone beyond self-defense and it should heed the call of the international community."

This time it was not Europe or the United States that called for restraint, peace, and respect for human or indigenous rights. Rather, countries including China, Saudi Arabia, and Russia called for both sides to seek "an immediate ceasefire, renounce violence, exercise restraint and begin . . . a negotiation process." It raises the question of why Western governments, known for often claiming the moral high ground, remain so silent when Israel commits war crimes. How is it that governments that are internationally known for their human rights violations and involvement in war and violent aggression are currently preaching restraint, while the West is turning a blind eye to various forms of oppression in Palestine?

Comparing Wars

There are currently two military conflicts — if not full-blown wars — consuming our attention in the West. One is the violent breakout out of Gaza by Hamas forces, including the brutal violence and murder of Israeli citizens, and provoking a no less brutal response from the Israeli government. The other is being fought in Ukraine and, despite severe losses over the summer, does not seem to be moving in any other direction than more human casualties on both sides. Only the arms industries benefit from its prolongation.

Yet the two wars also facilitate a painful comparison between the responses to the acts of terror committed by Russia and the very similar acts committed by Israel. In one case, Western leaders used a whole register of terms to denounce the war crimes committed by Russia. In the other case, those same government leaders were eager to express their support for Israel.

Von der Leyen went as far as to state that "I know that how Israel responds will show that it is a democracy." A very different statement from the one in response to the escalation in June 2021, when Von der Leyen tweeted: "Very concerned by the situation in Israel and Gaza. I condemn indiscriminate attacks by Hamas on Israel. Civilians on all sides must be protected. Violence must end now."

A Relation-Based Logic

In fact a marked new era in which the Western powers no longer appeal to a rules-based logic to justify their liberal order, but adopt brazen neoimperialist rhetoric in which power is more important than rules. European politics is governed by an amity-enmity complex no longer focused on abiding laws, but more so on backing the allies of the European empire. For two weeks, there was no call for restraint, no reference to international law or basic human rights in Von der Leyen's statements on Twitter. The otherwise technocratic European Commission has never sounded more Trumpian.

The line of reasoning, both in Europe and the United States, is as follows: we are "common friends of Israel"; Israel is "under attack"; it has "the right and duty to respond"; our support is "steadfast," "united," and "unwavering"; and "Hamas alone is responsible" for this "unprovoked" attack. References to international law by other government leaders were scarce and often came rather late. We only find condemnation of Israel's ongoing human rights violations by government leaders in small countries such as Norway, Ireland, and Belgium. No one dares to take responsibility for what Europe and the United States have allowed the settler-colonial Israeli project to develop into: an apartheid regime.

Normative Power

Undergraduate students of European politics learn about the "normative" or "transformative power" of the EU. This holds that because it is attractive to maintain strong economic ties with Europe, and sometimes even the prospect of EU accession, neighboring countries are inclined to transform their political and economic systems, fight corruption, develop democracy, and respect liberal rights and freedoms. Classic accounts teach us that the EU has become a "normative power" by:

> making its external relations informed by, and conditional on, a catalogue of norms which come closer to those of the . . . universal declaration of human rights (UDHR) than most other actors in world politics.

But the double standards in the Russian-Ukrainian war and the Israel-Palestinian conflict prove once again how ideological such notions of Europe as a "normative power" are. From Ukraine to Palestine and from Kosovo and Bosnia-Herzegovina to the (former?) Armenian enclave of Nagorno-Karabakh, the European Commission prefers stability over developing democracy ("stabilitocracy" as it is generally known). It chooses time and again to strengthen its economic and geopolitical relations over guaranteeing human rights.

In doing so, it potentially undermines the resilience of the rights and freedoms that Europeans would hold so dear. What basis is there for critiquing the practices of China, Russia, India, or Iran when Europe unconditionally approves of the exact same practices when they are carried out by a historical ally? How long will it take for this double standard on Western populations to forever find themselves in a subordinate position (as Ukrainians living under occupation already are), they can no longer claim to have guaranteed humanitarian principles for others when they or their allies were the dominant power. So, what can we expect others to do?

Backsliding

The European project is supposed to be built in the spirit of never repeating the horrors unleashed by the nationalism of World War I and the fascism World War II, namely large parts of Europe into a graveyard. If you visit the EU-funded House of European History in Brussels, the message is clear: Europe is a liberal power that first defeated fascism and later proved victorious over the Soviet bloc. In the main hall, representations of the "totalitarian two" are counterposed to one another as the adversarial horror images that Europe must never slide back into.

If Europe truly regards itself as a liberal power that stands for the "advancement of peace and reconciliation, democracy and human rights," it is of paramount importance that it retracts its earlier statements, that it does everything it can to make Israel respect the universalist principles it claims to uphold. Otherwise, Europe may find itself backsliding into a regime that was once its adversary — and not the socialist kind. At this point, Europe can no longer claim to be a "liberal," "normative," or "transformative" force. Its double standards regarding war crimes indicate that it considers friends more important than rules, thus resembling not a "liberal order" but an empire. Perhaps, as Von der Leyen might say, "we have to call it as such."

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